

EXHIBIT 4

COPY

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3 XEROX CORPORATION :
4 Plaintiff :
5 Vs. : CIVIL ACTION NO.
6 PHOENIX COLOR CORPORATION : L 02CV 1734
7 and :
8 TECHNIGRAPHIX, INCORPORATED :
9 Defendants :

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12 Deposition of PATRICIA ELIZONDO, taken
13 on Tuesday, March 4, 2003, at 9:30 a.m., at the
14 law offices of Piper Rudnick, LLP, 6225 Smith
15 Avenue, Baltimore, Maryland, before Bonnie L.
16 Russo, Notary Public.

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20 Reported by:

21 Bonnie L. Russo



CRC-SALOMON
Baltimore, Maryland
Phone (410) 821-4888 Fax (410) 821-4889

1 STATE OF MARYLAND

2 SS:

3 I, BONNIE RUSSO, a Notary Public of the
4 State of Maryland, do hereby certify that the
5 within named, PATRICIA ELIZONDO, personally
6 appeared before me at the time and place herein
7 set out, and after having been duly sworn by me,
8 was interrogated by counsel. I further certify
9 that the examination was recorded
10 stenographically by me and this transcript is a
11 true record of the proceedings.

12 I further certify that I am not of counsel
13 to any of the parties, nor an employee or
14 counsel, nor related to any of the parties, nor
15 in any way interested in the outcome of this
16 action.

17 As witness my hand and notarial seal this
18 17th day of March, 2003.

19
20 My commission expires: _____

21 August 25, 2004

Notary Public.

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1 is the best of your recollection?

2 A. Yes.

3 Q. At this meeting who did Mr. Tiner
4 introduce you to?

5 A. His name escapes me.

6 Q. Possibly his name Donnie Tyler?

7 A. Donald Tyler.

8 Q. Anyone else that Mr. Tiner introduced
9 you to?

10 A. No.

11 Q. And who else was at this meeting other
12 than Mr. Tiner and Mr. Tyler?

13 A. And then there would have been either Ed
14 Buckson or Bruce.

15 Q. What is your best recollection of how
16 Mr. Tiner introduced Mr. Tyler to you?

17 A. As our decision maker.

18 Q. Okay.

19 A. The one who would be making all
20 operational decisions.

21 Q. These were words that Mr. Tiner said; is

1 that right?

2 A. Yes.

3 Q. Were they said in Mr. Tyler's presence?

4 A. Yes.

5 Q. And they were said at the Technigraphix
6 plant in Sterling, Virginia?

7 A. Yes.

8 Q. Anything else that he used to describe
9 Mr. Tyler's position at Technigraphix?

10 A. Not that I recall.

11 Q. Do you recall Mr. Tyler saying anything
12 at all?

13 A. Yes. Just confirming that he was the
14 guy that we should work with and the decision
15 maker and the person who would be making the
16 operational decisions of the floor
17 configurations, et cetera.

18 Q. At the time Technigraphix was leasing
19 Docutech equipment from Xerox?

20 A. Yes.

21 Q. Was there any discussion as to whether

1 Technigraphix?

2 A. No. I know he didn't say that.

3 Q. Did anyone tell you that he was the new
4 chief operations officer?

5 A. I don't know the term chief operations
6 but I remember operations.

7 Q. Okay. Mr. Tiner tell you whether he was
8 going to remain involved with Technigraphix in
9 terms of sales?

10 A. I don't understand when you say relative
11 to sales.

12 Q. As I understand your testimony, you are
13 saying that he told you that he was turning over
14 the operations portion of Technigraphix to Mr.
15 Tyler; is that accurate?

16 A. No. That he had sold the business to
17 Phoenix and that the operation would be run by
18 Mr. Tyler.

19 Q. And my question was whether Mr. Tiner
20 within that description, whether Mr. Tiner would
21 remain involved with selling products on behalf

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1 of Technigraphix?

2 A. No, I don't remember him saying that.

3 Q. Anyone tell you that they were going to
4 change the name of Technigraphix to Phoenix
5 Color?

6 A. No, I don't remember that being said.

7 Q. Mr. Tyler at any time, did he say or do
8 anything that would make you think that he was an
9 employee of Phoenix Color?

10 A. As I recall, he gave me a business card
11 that had his name on a business card that I
12 believe had Phoenix Color on it.

13 Q. To the best of your recollection, could
14 you tell me when he gave you this business card?

15 A. In the introductory meeting.

16 Q. Do you recall whether he gave this
17 business card to anyone else?

18 A. No, I don't recall. It would have been
19 customary that we would have all exchanged
20 business cards.

21 Q. Did you ever have any other

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